Conference on Disarmament

12 June 2014
English
Original: Chinese and Russian

Letter dated 10 June 2014 from the Permanent Representative of the Russian Federation and the Permanent Representative of China to the Conference on Disarmament addressed to the Acting Secretary-General of the Conference transmitting the updated Russian and Chinese texts of the draft treaty on prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects (PPWT) introduced by the Russian Federation and China

We have the honour to transmit herewith the Russian and Chinese updated text of the Draft Treaty on the Prevention of Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects (PPWT).

We would be grateful if this letter and the attached Russian-Chinese document could be issued and circulated as an official document of the Conference on Disarmament.

(*Signed*) Alexey N. Borodavkin
Ambassador
Permanent Representative of
the Russian Federation

(*Signed*) Wu Haitao
Ambassador for Disarmament Affairs
of China to the
Conference on Disarmament

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Draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects

The States Parties to this Treaty,

Reaffirming that the further exploration and use of outer space is playing an ever-increasing role in the development of humankind,

Desiring to prevent outer space turning into a new area of weapons placement or an arena for military confrontation and thereby to avert a grave danger to international peace and security,

Reaffirming the importance of strict compliance with the existing multilateral agreements related to outer space activities and recognizing that observance of the principles and rules of international space law in outer space activities contributes to building confidence in the peaceful intentions of States,

Noting that the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, of 27 January 1967 (hereinafter referred to as the 1967 Outer Space Treaty), obliges the States Parties not to place in orbit around the Earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, and not to install such weapons on celestial bodies or station them in outer space in any other manner,

Recognizing that, while the existing international agreements related to outer space and the legal regime provided for therein play a positive role in regulating outer space activities, they are unable to fully prevent the placement of weapons in outer space,

Recalling the United Nations General Assembly resolutions on prevention of an arms race in outer space, which emphasize, inter alia, the need to examine further measures in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space,

Have agreed as follows:

Article I

For the purpose of this Treaty:

(a) The term "outer space object" means any device placed in outer space and designed for operating therein;

(b) The term "weapon in outer space" means any outer space object or component thereof which has been produced or converted to destroy, damage or disrupt the normal functioning of objects in outer space, on the Earth's surface or in its atmosphere, or to eliminate human beings or components of the biosphere which are important to human existence, or to inflict damage on them by using any principles of physics;

(c) A device is considered to have been "placed in outer space" if it orbits the Earth at least once, or follows a section of such an orbit before leaving that orbit, or is permanently located in outer space or on any celestial bodies other than the Earth;

(d) The term "use of force" means any action intended to inflict damage on an outer space object under the jurisdiction and/or control of other States, and the term "threat of force" means the clear expression in written, oral or any other form of the intention to

commit such an action. Actions undertaken in accordance with special agreements with States that provide for actions on the request of such States to stop uncontrolled flight by outer space objects under the jurisdiction and/or control of the requesting States shall not be regarded as the use or threat of force.

Article II

The States Parties to this Treaty undertake:

- Not to place any weapons in outer space;
- Not to resort to the threat or use of force against outer space objects of States Parties to the Treaty;
- Not to engage, as part of international cooperation, in outer space activities that are inconsistent with the object and purpose of this Treaty;
- Not to assist or induce other States, groups of States, international, intergovernmental or non-governmental organizations, including non-governmental legal entities established, registered or located in territory under their jurisdiction and/or their control, to participate in activities inconsistent with the object and purpose of this Treaty.

Article III

Nothing in this Treaty may be interpreted as preventing the States Parties from exploring and using outer space for peaceful purposes in accordance with international law, including the Charter of the United Nations and the 1967 Outer Space Treaty.

Article IV

Nothing in the present Treaty shall impair the States Parties' inherent right to individual or collective self-defence, as recognized in Article 51 of the Charter of the United Nations.

Article V

The States Parties recognize the need for measures to verify compliance with the Treaty, which may form the subject of an additional protocol.

With a view to promoting confidence in compliance with the provisions of the Treaty, States Parties may implement agreed transparency and confidence-building measures, on a voluntary basis, unless agreed otherwise.

Article VI

To promote the implementation of the objectives and provisions of the Treaty, the States Parties shall establish the executive organization of the Treaty, which shall:

(a) Consider matters concerning the operation and implementation of the Treaty;

(b) Accept for consideration communications from any State Party or group of States Parties relating to cases where there is reason to believe that a violation of the Treaty is taking place;

(c) Organize and conduct consultations with the States Parties with a view to resolving any situation that has arisen in connection with an alleged violation of the Treaty;

(d) Refer the dispute to the United Nations General Assembly or the United Nations Security Council if a situation that has arisen in connection with an alleged violation of the Treaty remains unresolved;

(e) Organize and conduct meetings to discuss and adopt proposed amendments to the Treaty;

(f) Develop procedures for collective data sharing and information analysis;

(g) Collect and disseminate information provided as part of transparency and confidence-building measures;

(h) Accept notifications of the accession of new States to the Treaty and submit them to the Secretary-General of the United Nations;

(i) Consider, upon agreement with the States Parties, other procedural and substantive issues.

The procedure for the formation and the composition of the working bodies, as well as the rules and regulations and the arrangement of the work of the executive organization of the Treaty shall form the subject of an additional protocol.

The States Parties shall cooperate with the executive organization of the Treaty to support it in the discharge of its functions.

Article VII

A State Party which has reason to believe that another State Party is failing to fulfil the obligations incumbent upon it pursuant to the Treaty may request that State Party to provide clarification of the situation. The requested State Party shall provide clarification as soon as possible.

If the requesting State Party deems the clarification insufficient to resolve its concerns, it may request consultations with the requested State Party. The requested State Party shall immediately enter into such consultations. The executive organization of the Treaty shall be informed of the results of the consultations and shall transmit the information received to all States Parties concerned.

If the consultations do not lead to a mutually acceptable settlement which has due regard to the interests of all States Parties, any State Party or group of States Parties shall seek the assistance of the executive organization of the Treaty, submitting relevant evidence for the further consideration of the dispute. The executive organization may convene a meeting of States Parties to examine the dispute, make a decision establishing a violation of the Treaty and prepare recommendations based on States Parties' proposals to settle the dispute and remedy the violation. If it is not able to settle the dispute or remedy the violation, the executive organization may bring the issue, including the relevant information and conclusions, to the attention of the United Nations General Assembly or the United Nations Security Council.

In cases subject to the Convention on International Liability for Damage Caused by Space Objects of 1972, the relevant provisions of the Convention shall be used.

Article VIII

References to States in the Treaty, except those in articles IX–XIII, shall also cover any international intergovernmental organization that carries out activities in outer space, if the organization declares that it assumes the obligations provided for under the Treaty and if the majority of its member States are States Parties to the Treaty. Member States of such an organization that are Parties to the Treaty shall take all necessary measures to ensure that the organization makes such a declaration in accordance with the provisions of this article.

Article IX

This Treaty shall be opened for signature by all States at the United Nations Headquarters in New York. Any State which has not signed the Treaty before its entry into force may accede to it at any time.

This Treaty shall be subject to ratification by signatory States in accordance with their internal procedures.

Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations, who is hereby designated the Depositor of this Treaty.

Article X

This Treaty shall enter into force upon the deposit of instruments of ratification by 20 States, including all the permanent members of the United Nations Security Council.

For States whose instruments of ratification or accession are deposited after the entry into force of the Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

The Secretary-General of the United Nations shall inform all signatory or acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of entry into force of this Treaty, any proposals for amendments to the Treaty, any disputes that arise and their settlement, as well as other notifications, as necessary.

Article XI

Any State Party may propose amendments to the Treaty. The text of any proposed amendment shall be submitted to the Secretary-General of the United Nations for circulation to all States Parties. A conference shall be convened to consider such an amendment, if at least one third of the States Parties so agree.

Amendments shall enter into force upon their acceptance by consensus.

Article XII

This Treaty shall be of unlimited duration.

Each State Party shall, in exercising its national sovereignty, have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized its supreme interests. It shall notify the Secretary-General of the United Nations of the decision in writing six months in advance of its

withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events that the notifying State Party regards as having jeopardized its supreme interests.

Article XIII

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to all signatory and acceding States.